

## Article - Natural Resources

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§4-11A-11.

(a) This section applies to demonstration leases.

(b) (1) The Department may issue a demonstration lease to a public high school, an incorporated college or university within the State, a 4-H club, or a nonstock, nonprofit corporation organized under the laws of the State exclusively for educational, conservation, or ecological purposes.

(2) An application for a demonstration lease shall include a declaration that the applicant intends to actively use the leased area for demonstration purposes and a proposed plan for active use of the lease.

(c) The size of the lease may not exceed 5 acres.

(d) The proposed lease area may not be located:

(1) Within a minimum of 50 feet of shoreline or any pier without the written permission of the riparian owner at the time of application for the lease;

(2) Within 150 feet of the public shellfish fishery or a registered pound net site;

(3) Within 150 feet of an oyster reserve or any Yates Bar located in an oyster sanctuary;

(4) Within 150 feet of a federal navigational channel;

(5) In any creek, cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide;

(6) In an SAV Protection Zone; or

(7) In a setback or buffer from the Assateague Island National Seashore established by the Department.

(e) (1) A demonstration lease may not be assigned or transferred.

(2) Any transfer or assignment or attempt to transfer or assign a lease shall be void and the interest in submerged land shall revert to the State without the necessity of any action by the State.

(f) (1) (i) A demonstration leaseholder shall actively use the lease for the purpose of demonstrating the ecological benefits of growing shellfish or for research or education.

(ii) Failure to actively use the lease may result in termination of the lease.

(2) A person may not harvest shellfish for commercial or consumption purposes from an area that is subject to a demonstration lease.

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